

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

Rec'd PCT/PTO 28 DEC 2004

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To:

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16. AUG. 2004
12. 9. 2004
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WRITTEN OPINION

(PCT Rule 66)

Date of mailing (day/month/year)	13.08.2004
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Applicant's or agent's file reference NC 32036 PCT - Wa/s	REPLY DUE	within 1 month(s) from the above date of mailing
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International application No. PCT/A 02/02519	International filing date (day/month/year) 01.07.2002	Priority date (day/month/year) 01.07.2002
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International Patent Classification (IPC) or both national classification and IPC H04L12/56
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Applicant NOKIA CORPORATION et al

1. This written opinion is the **first** drawn up by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I Basis of the opinion
- II Priority
- III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also: For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 01.11.2004

Name and mailing address of the international preliminary examining authority:	Authorized Officer
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 European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Roberti, V
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Formalities officer (incl. extension of time limits) Finnie, A Telephone No. +49 89 2399-8251



I. Basis of the opinion

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed"*):

Description, Pages

1-10 as originally filed

Claims, Numbers

1-17 as originally filed

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
- the claims, Nos.:
- the drawings, sheets:

5. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

6. Additional observations, if necessary:

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims	1
Inventive step (IS)	Claims	1-17
Industrial applicability (IA)	Claims	

2. Citations and explanations**see separate sheet**

Concerning section V:

1. The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: WO-A-01/74011 (PSION PLC (GB)) 4 October 2001 (2001-10-04)
D2: EP-A-1 024 628 (IBM) 2 August 2000 (2000-08-02)

2. **Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability.**

- 2.1 Document D1 (see page 4, line 10 to page 6, line 19, and page 8, line 21 to page 9, line 20) discloses, according to all features of claim 1, a method for establishing a connection from a mobile device to a second device both provided with a short range wireless communications module, comprising the steps of determining the present environment of the mobile device (see page 6, lines 7 to 19), of determining an address of the second device in dependence on the present environment (see page 5, lines 12 to 16, page 8, lines 26 to 29 and page 9, lines 18 to 20) and of setting up the connection to the second device using the determined address (see page 5, lines 16 to 18, and page 8, lines 21 to 29).
Thus the subject-matter of independent claim 1 is not novel (see Article 33(1) and(2) PCT).

For the sake of completeness, it should be noted that such a method is also anticipated in D2 (see claims 1-11).

- 2.2 Furthermore, even if the applicant were to interpret claim 1 in such a manner as to enable him to allege that its subject-matter is novel, the subject-matter of Claim 1 would still not seem to involve an inventive step (Article and 33(3) PCT), considering that D1 aims at the same object and essentially provides the same solution as the present application.
 - 2.3 The dependent claims 2 to 17 do not anything new nor of inventive significance to claim 1, as the additional features introduced by said dependent claims refer only to minor implementing details which are known or directly derivable from the cited prior art references D1 and D2, or fall within the general knowledge or technical competence of a person skilled in the art, each acting in a normal and unsurprising way, and not combining to yield any unexpected or surprising advantageous result.

3. General remarks concerning clarity of the claims as well as the form and contents of the application.

- Claim 17 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined (see wording "current user context"), therefore necessary technical features should be added (see description, page 10, lines 33 to 36).

If a new set of claims is filed, the following matters should also receive attention.

- Any new independent claim should be drafted in the proper two-part "characterised" form recommended by Rule 6.3(b),(i),(ii) PCT, having a preamble that correctly reflects the nearest prior art, presumably that represented by document D1.

- If necessary, the description should be brought into conformity with any newly filed claims (Rule 5.1(a)(iii) PCT).

- In order to meet the requirements of Rule 5.1(a)(ii) PCT, the relevant prior art, i.e. document D1 noted above, should be acknowledged by reference and briefly discussed in the introductory part of the description, preferably in such a way that the inventive merit of what is claimed can be readily understood.

- All the claims should include reference signs in parentheses where features shown in the drawings are referred to (Rule 6.2(b) PCT).

- Special care should finally be taken to avoid giving rise to further objections by the inadvertent addition of subject-matter (Article 34(2)(b) PCT).